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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,104	04/09/2004	Dong-Soo Shin	678-1191 (P11005)	1716
28249	7590	11/14/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,104	SHIN, DONG-SOO	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Q. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,8 and 10-12 is/are rejected.
- 7) Claim(s) 4-7,9 and 13-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3,8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (JP409130284A).

Regarding claim 1, Ito discloses a method for warning a user of a low-voltage state of a mobile communication terminal, comprising the steps of: pre-storing a low-voltage alarm message in a memory (see abstract; par. 0035, par. 0038 and par. 0040; page 5); checking a voltage level of a battery in a call connection mode (see abstract; par. 0035, par. 0038 and par. 0040, page 5); if the voltage level of the battery is lower than a predetermined voltage, reading the low-voltage alarm message from the memory, and transmitting the read low-voltage alarm message to a called terminal communicating with the mobile communication terminal (see abstract; par. 0035, par. 0038 and par. 0040, page 5).

Regarding claim 2, Ito also discloses recognizing a phone number of the called terminal; and transmitting the low-voltage alarm message using a SMS message (see par. 0029, page 12).

Regarding claim 3, Ito also discloses wherein the low-voltage alarm message is a voice message such as a Voice OGM (Out-Going Message) (see abstract; par. 0035, par. 0038 and par. 0040, page 5).

Regarding claim 8, Ito also discloses the method further comprising the step of after transmitting the low-voltage alarm message, cutting off a voltage received from the battery (see abstract; par. 0035, par. 0038 and par. 0040, page 5).

Regarding claim 10, Ito discloses a mobile communication terminal apparatus comprising: a voltage detector for detecting a battery voltage (see abstract; par. 0035, par. 0038 and par. 0040, page 5); a message storage unit for storing a low-voltage alarm message therein (see abstract; par. 0035, par. 0038 and par. 0040, page 5); and a controller for transmitting the low-voltage alarm message to a called terminal when the battery voltage is lower than a predetermined voltage (see abstract; par. 0035, par. 0038 and par. 0040, page 5).

Regarding claim 11, Ito also discloses wherein the low-voltage alarm message is a SMS (Short Message Service) message (see par. 0029, page 12).

Regarding claim 12, Ito also discloses wherein the low-voltage alarm message is a voice message such as a Voice OGM (Out-Going Message) (see abstract; par. 0035, par. 0038 and par. 0040, page 5).

### ***Allowable Subject Matter***

2. Claims 4-7, 9,13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, Ito fails to disclose wherein the low-voltage alarm message is one of a SMS message or a Voice OGM message, and wherein step (c) includes the steps of: selecting one of the SMS message and the Voice OGM message; if the SMS message is selected,

transmitting the low-voltage alarm message to the called mobile communication terminal using the SMS message; and if the Voice OGM message is selected, transmitting the Voice OGM message to the called terminal through a traffic channel.

Regarding claims 5-7 and 9, they depend on claim 4. Therefore, they are objected.

Regarding claim 13, Ito fails to disclose wherein the controller determines whether a phone number of the called terminal is a mobile communication phone number or a fixed line phone number, transmits a SMS message as the low-voltage alarm message when the phone number of the called terminal is a mobile communication phone number, and transmits a Voice OGM message as the low-voltage alarm message when the phone number of the called terminal is a fixed line phone number.

Regarding claim 14, it depends on claim 13. Therefore, it is objected.

Regarding claim 15, Ito fails to disclose wherein the controller transmits a Voice OGM message as the low-voltage alarm message when a phone number of the called terminal is not recognized.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KENWOOD CORP teaches Mobile communication system has SMS center that sends standby status of unreachable receiver mobile phone to caller mobile phone, when call waiting status is sent to receiver mobile phone.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DN*  
David Nguyen

*Joseph Feild*  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER